

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Cynthia Coker,

Plaintiff,

vs.

Nancy A. Berryhill, Acting Commissioner
of Social Security,

Defendant.

Civil Action No. 0:16-3886-RMG

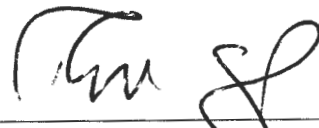
ORDER

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (R & R) on October 20, 2017, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge relied on the testimony of the Vocational Expert in finding Plaintiff's past relevant work was at a sedentary exertion level when the uncontested primary evidence in the record indicated that the actual past work performed by Plaintiff was at the medium exertion level. (Dkt. No. 14 at 5-9). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 15).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court

ADOPTS the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order. In light of the pendency of this application for disability benefits for nearly five years, the agency is directed to conduct an administrative hearing on remand and to issue a decision by the Administrative Law Judge within 90 days and a final agency decision within 120 days.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "R. Gerge", is written over a horizontal line.

Richard Mark Gerge
United States District Judge

Charleston, South Carolina
November 1, 2017